

ADMINISTRATIVE POLICY

SUBJECT: COMPLIMENTARY TICKET POLICY

EFFECTIVE DATE: March 3, 2010

I. Purpose:

This policy governs the receipt and distribution of complimentary tickets or passes received by the City to a facility, event, show or performance for entertainment, amusement, recreational or similar purposes ("Event"). The City sponsors many events in the community, providing funds or in-kind services to support such events ("City-sponsored Event"). Organizers of these City-sponsored Events often provide the City with complimentary tickets or passes. The purpose of this policy is to establish a fair and equitable process for the distribution of complimentary tickets or passes to the City in compliance with the requirements of the Fair Political Practices Commission ("FPPC") Regulation 18944.1. This policy is subject to all applicable FPPC Regulations and the Political Reform Act, as they now exist or hereafter may be added or amended, including, without limitation, definitions.

II. Authority: FPPC Regulation 18944.1

III. Assigned Responsibility: City Council, City Manager

IV. Applicability: All City officials and employees

V. General Policy:

A. Distribution of Complimentary Tickets or Passes by the City.

The City shall have sole discretion to determine who shall use the complimentary tickets or passes that are provided to the City. For purposes of this Policy, a "ticket or pass" means admission to a facility, event, show, or performance for entertainment, amusement, recreational, or similar purposes. An "Event," as described above, includes one performance during each engagement at a City-sponsored Event or other event.

1. The City Manager may provide two (2) complimentary tickets or passes for an Event to each Council member.

- (a) The public and governmental purpose of providing complimentary tickets or passes to Council members is to enable them to (i) advertise and promote the City of Monrovia, and (ii) monitor and evaluate the value of City-sponsored Events

and their compliance with City policies, agreements, and other requirements.

- (b) The tickets or passes shall be used by the Council member and his or her spouse or dependent children solely for their personal use. The Council member receiving complimentary tickets or passes shall not transfer or sell such tickets or passes to any other person.
 - (c) Council members may purchase at face value additional tickets or passes to the Event, but no more than two (2) complimentary tickets or passes shall be provided as described in this Section.
 - (d) If a complimentary ticket or pass is provided to a City official for an Event at which the official performs a ceremonial role, such ticket or pass shall not be deemed a gift but shall be reported as provided in this Policy.
- 2. The City Manager may distribute one (1) ticket or pass for an Event to a City employee on an equitable basis, with the option that such employee be allowed to purchase at face value a second ticket or pass for use by the employee's immediate family or personal guest.
 - (a) The public and governmental purpose of providing the complimentary tickets or passes to a City employee is to enable the employee to (i) advertise and promote the City of Monrovia; (ii) monitor and evaluate the value of City-sponsored Events and their compliance with City policies, agreements, and other requirements; and (iii) enhance employee morale.
 - (b) The City employee receiving the complimentary ticket or pass shall not transfer or sell such ticket or pass.
 - (c) The attendance of a City employee at an Event for the purpose of carrying out the employee's duties or providing services on the City's behalf shall not be deemed to be a distribution of a complimentary ticket or pass and need not be reported as otherwise provided in this Policy.
- 3. The City Manager may distribute complimentary tickets or passes for an Event to non-profit community service groups in the City if there is a public purpose for doing so. Non-profit community service groups that receive such tickets or passes shall not transfer or sell the tickets or passes.
- 4. The City Manager may distribute complimentary tickets or passes for an Event to persons participating in recreational, educational or cultural programs administered by the City or for other lawful purposes; provided, however, that complimentary tickets or passes shall only be

distributed to Council members and City employees in accordance with Sections 1 and 2, respectively. Persons receiving such tickets or passes under this Section shall not transfer or sell the tickets or passes.

5. Complimentary tickets and passes to Events shall be distributed to City officials and employees under procedures designated by the City Manager, provided the manner of distribution conforms to this Policy and can be documented and reported as required by this Policy.

B. Complimentary Tickets or Passes Under This Policy Not Subject to Gift Regulations; Other Benefits Could be Gifts.

1. The distribution of complimentary tickets or passes pursuant to this Policy shall not constitute a "gift" to the Council Member or City employee pursuant to the terms of FPPC Regulation 18744.1. However, other benefits, such as food or beverage or items provided or presented to the City official or employee that are not included with the admission provided by the complimentary ticket or pass must be accounted for as gifts.
2. If the City receives complimentary tickets or passes that are earmarked for a particular City official, such tickets or passes are considered gifts to that particular official. If the complimentary tickets or passes are not returned unused to the provided within thirty (30) days of receipt, the official must comply with applicable FPPC gift limit and reporting regulations.

C. Reporting of Complimentary Tickets or Passes. The distribution and use of complimentary tickets or passes pursuant to this Policy shall be documented on FPPC Form 802 (Tickets Provided by Agency Report). The City Manager or his designee shall prepare and certify Form 802 and shall post it on the City's Website within thirty (30) calendar days of the distribution of such tickets or passes. This Policy shall also be posted in a prominent fashion on the City's Website.

D. Complimentary Tickets or Passes to Political and Non-Profit Fundraisers. FPPC Regulation 18946.4 governs the reporting requirements for complimentary tickets, passes, or other admission privilege to political and non-profit fundraising events. Such tickets, passes, or other admission privilege are referenced in this Policy as a convenience to persons seeking information regarding the distribution of such tickets, passes, or other admission privilege. Pursuant to Regulation 18946.4, all complimentary tickets, passes, or other admission privilege to a political or non-profit fundraising event provided directly to a City official that are received after October 4, 2008 are reportable as gifts on that official's FPPC Form 700 (Statement of Economic Interests) and are subject to the annual gift limit (currently \$420 per calendar year) unless one of the following narrow exceptions applies:

1. 501(c)(3) Organizations. A City official may receive one (1) complimentary ticket, pass, or admission privilege from a 501(c)(3) organization to its fundraising event so long as the cumulative value of the non-deductible portion of the tickets, passes, or admission privilege received by the official from the same organization during a calendar year does not exceed the annual gift limit. "Non-deductible portion" means the face value of the ticket (reduced by any stated donation portion) or, if there is no ticket indicating a face value, the pro rata share of the cost of any food and beverage plus any other specific item presented to the official at the event.

Note: The official should make sure the organization is a valid 501(c) organization under the Internal Revenue Code because not all "non-profit organizations" are 501(c)(3) organizations.

A ticket, pass, or other admission privilege to a 501(c)(3) organization's fundraising event from a third party other than the 501(c)(3) organization is a gift to the official from that third party. Such gift is subject to the annual gift limit and reportable on Form 700.

2. Political Fundraisers. A City official may receive one (1) complimentary ticket, pass, or admission privilege to a fundraising event for a political committee as defined in Government Code Section 82013(a) or a comparable committee regulated under federal law. The committee or the candidate must provide the ticket, pass, or admission privilege.

Note: A ticket, pass, or other admission privilege to a political fundraiser from a third party other than the committee or candidate sponsoring the event is a gift to the official from that third party. Such gift is subject to the annual gift limit and reportable on Form 700.

FPPC Regulation 18946.4 contains detailed provisions about how to calculate the value of tickets to political and non-profit fundraisers as well as when such tickets must be reported.

Complimentary tickets, passes, or other admission privilege to a non-profit organization's fundraising event that are donated to the City without designation of who should attend shall be distributed as otherwise provided in this Policy.



City Manager

Policy was approved by Resolution No. 2010-08
on March 2, 2010.

Approved as to form:



City Attorney

RECEIVED

RESOLUTION NO. 2010-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONROVIA, CALIFORNIA ADOPTING A COMPLIMENTARY
TICKET POLICY PURSUANT TO FAIR POLITICAL PRACTICES
COMMISSION REGULATION 18944.1

MAR 04 2010

City of Monrovia
Human Resources Dept

WHEREAS, the Fair Political Practices Commission (FPPC) regulates complimentary tickets or passes distributed to government officials and employees by their agency;

WHEREAS, the FPPC regulation requires the City Council to adopt a written policy governing the distribution of complimentary tickets and passes that includes a statement describing the public purpose to be accomplished by such policy; and

WHEREAS, the proposed complimentary ticket policy seeks to establish a fair and equitable process for the distribution to City Council members and employees of complimentary tickets and passes received by the City to a facility, event, show or performance for entertainment, amusement, recreational or similar purposes, in compliance with the requirements of FPPC Regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA HEREBY FINDS AND RESOLVES AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves and adopts the Complimentary Ticket Policy, attached hereto as Exhibit A and incorporated herein by this reference.

PASSED, APPROVED and ADOPTED this 2nd day of March, 2010 by the following vote:

AYES: Councilmembers Garcia, Shaw, Mayor Lutz

NOES: Councilmembers Shewlin, Mayor Pro Tem Adams

ABSTAIN:



City of Monrovia

3/4/10
Original Admin
Policy & Copy of
Reso 2010-08 for
your records



STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF MONROVIA)

I, ALICE D. ATKINS, CMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing Resolution No. 2010-08 relating to adopting a complimentary ticket policy pursuant to Fair Political Practices Commission, Regulation 18944.1 was duly adopted and passed at a regular meeting of the City Council on the 2nd day of March, 2010 by the following vote:

AYES: Councilmembers Garcia, Shaw, Mayor Lutz
NOES: Councilmember Shevlin, Mayor Pro Tem Adams
ABSTAIN:
EXCUSED:

ATTEST:



Alice D. Atkins, CMC, City Clerk
City of Monrovia